

L 3230

**STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD**

DIVISION OF WATER RIGHTS

In the Matter of License 3230 (Application 11566)

Adolph H. Trappe

ORDER

SOURCE: Two Unnamed Streams

COUNTY: Sonoma

**ORDER AMENDING THE LICENSE BY CORRECTING THE DESCRIPTIONS OF
THE POINTS OF DIVERSION AND PLACE OF USE AND BY ADDING THE
CONTINUING AUTHORITY, WATER QUALITY AND ENDANGERED OR
THREATENED SPECIES TERMS**

WHEREAS:

1. License 3230 was issued to Adolph Trappe on July 10, 1951, pursuant to Application 11566 and was recorded with the County Recorder of Sonoma County on July 18, 1951.
2. The Division of Water Rights (Division) conducted an inspection of the project covered by License 3230 on November 22, 2000. The inspection revealed that the descriptions of the points of diversion and place of use in the license require correction.
3. The State Water Resources Control Board (SWRCB) will also add its continuing authority term, a term to protect water quality and a standard term to prevent any act which results in the taking of a threatened or endangered species that have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act.

THEREFORE:

1. The descriptions of the points of diversion are corrected as follows:
 - (1) By California Coordinate System of 1927, Zone 2, North 260,596 feet and East 1,738,994 feet, being within the NE¼ of SE¼ of projected Section 12, T6N, R10W, MDB&M.
 - (2) By California Coordinate System of 1927, Zone 2, North 259,728 feet and East 1,740,184 feet, being within the NE¼ of SE¼ of projected Section 12, T6N, R10W, MDB&M.

2. The description of the place of use is corrected as follows:

3.3 acres within NW¼ of SE¼ of projected Section 12, T6N, R10W, MDB&M
5.3 acres within NE¼ of SE¼ of projected Section 12, T6N, R10W, MDB&M
1.1 acres within SE¼ of SE¼ of projected Section 12, T6N, R10W, MDB&M
2.3 acres within NW¼ of SW¼ of projected Section 7, T6N, R9W, MDB&M

12 acres total, as shown on map on file with the SWRCB.

3. The continuing authority condition shall be added as follows:

Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

4. A water quality term is added as follows:

The quantity of water diverted under this license is subject to modification by the SWRCB if, after notice to the licensee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the Water Code. No action will be taken pursuant to this paragraph unless

the SWRCB finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

5. An endangered species term is added as follows:

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

David L. Buringer
for Edward C. Anton, Chief
Division of Water Rights

Dated: OCT 02 2001



STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

License for Diversion and Use of Water

APPLICATION 11566

PERMIT 6782

LICENSE 3230

THIS IS TO CERTIFY, That **Adloph Trappe**
P. O. Box 14
Freestone, California

has made proof as of **May 20, 1949**

(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of
two unnamed streams in Sonoma County

tributary to **Salmon Creek**

for the purpose of **irrigation use**

under Permit **6782** of the Department of Public Works and that said right to the use of said water has been perfected in accordance with the laws of California, the Rules and Regulations of the Department of Public Works and the terms of the said permit; that the priority of the right herein confirmed dates from **September 25, 1946**; and

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed **five hundredths (0.05) cubic foot per second** to be diverted from about **May 1** to about **November 1** of each year. The amount to be diverted from each source shall not exceed **0.025 cubic foot per second**.

The equivalent of such continuous flow allowance for any thirty day period may be diverted in a shorter time if there be no interference with other vested rights.

The point of diversion of such water are located as follows:

(1) South two hundred fifty (250) feet and West nine hundred seventy-five (975) feet, and (2) due South one thousand one hundred fifty (1150) feet from E $\frac{1}{4}$ corner of Section 12, T 6 N, R 10 W, M.D.B.&M., both being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 12.

A description of the lands or the place where such water is put to beneficial use is as follows:

6 acres within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 12, T 6 N, R 10 W, and 6 acres within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 7, T 6 N, R 9 W, M.D.B.&M.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the State Engineer.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property can not agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.



Witness my hand and the seal of the Department of Public
Works of the State of California, this 10th
day of July, 1951

A. D. Edmonston
A. D. EDMONSTON,
State Engineer

LICENSE 3230

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

LICENSE
TO APPROPRIATE WATER

ISSUED TO Adolph Trappe

DATED JUL 10 1951

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